

THE HIGH COURT OF MADHYA PRADESHMCRC-12220-2020

[Manoj vs. State of M.P.]

Gwalior, Dated 20/3/2020

Shri Pradeep Kushwah, learned counsel for the applicant.

Shri Mukesh Sharma, learned Public Prosecutor for the respondent/State.

Case diary is available.

This is first application under Section 439 of Cr.P.C. for grant of bail.

The applicant has been arrested on 5/12/2019 in connection with Crime No.159/2019 registered at Police Station Vijaypur, District Sheopur(M.P.) for offence punishable under Sections 294, 342, 323, 327, 506, 34 of IPC.

It is submitted by the counsel for the applicant- Manoj that the applicant has not committed any offence and he has been falsely implicated in this case. Nothing has been seized from the custody of the applicant. The applicant is suffering confinement since 5/12/2019, whereas charge-sheet has been filed and investigation is complete. On the fateful day, when this case was registered, four other cases were registered against the applicant and the said institution itself indicates that false case has been registered against him. The applicant is ready and willing to abide by any condition

which may be imposed by this Court. There is no possibility of his absconding or tampering with the prosecution case. Hence, prayed for grant of bail to the applicant.

Per contra, learned Public Prosecutor/Panel Lawyer for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out .

Considering the pretrial detention, the facts and circumstances of the case and without commenting on merits of the case, the application is allowed. It is directed that the applicant be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One Lac Only)** with one surety in the like amount to the satisfaction of the trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order will remain operative subject to compliance of the following conditions by the applicant:

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance as well as copy of the order be given to the learned Public Prosecutor with a direction to keep the same in the concerned case diary.

Certified copy as per rules.

(Rajeev Kumar Shrivastava)
Judge

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